



TRAFFIC CITATIONS ISSUING THE MARYLAND UNIFORM COMPLAINT AND CITATION

Directive: 14 – 125

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I. PURPOSE

The purpose of this Directive is to provide guidelines when issuing a Maryland Uniform Complaint and Citation.

II. POLICY

DGS-MCP Police Officers may charge violators of Maryland Vehicle Law by issuing a Maryland Uniform Complaint and Citation. Officers will strictly adhere to the procedures set forth in this Directive.

III. PROCEDURES

A. Witness Summons

If there is to be a witness summoned, check the witness box and complete information on the reverse side of the number one copy. Indicate a complete mailing address for each witness listed, including telephone number with area code if available. If requesting that a police officer be summoned, use the complete mailing address for the appropriate Detachment. The agency and sub-agency is not sufficient. Enter witnesses on ALL related citations if they should be summoned. Entry of a witness on only one of the related citations will result in issuance of summons to the witness for the single citation only.

B. Related Citations (LOOPING)

If there are related citations - check "Related Citation" and write the related citation number in designated area. To loop correctly, on the first citation issued, enter the citation number of the second citation; then enter the number of the third citation issued on the second citation; and so on, until the last citation is issued. On the last citation issued write the number of the first citation issued.

For Example:

Citation 4364097 - write 4364098 as related citation
Citation 4364098 - write 4364099 as related citation
Citation 4364099 - write 4364097 as related citation

When issuing multiple citations, “Must Appear” citations should be written first, followed by payable citations.

C. Driver’s License

Enter the number of the defendant's driver's license, including license class and state of issuance. If the defendant has no license number, enter "None." Do not leave it blank. On Maryland licenses make sure that the first letter corresponds with *the first letter of the last name*.

D. Defendant’s Name

Enter the defendant's FULL first, middle, last name, and suffix as it appears on the license, including hyphens. If a non-resident license indicates only initials for the first or middle name, inquire as to given name and record the full name, not just the initial.

E. Defendant’s Address

Enter the defendant's street address, box number, apartment number, city, county, state, zip code, etc. Do not use "No Fixed Address." Enter the CURRENT address if different from the address shown on the license. Inform the defendant to notify both the District Court and the MVA of any change of address. (You may enter the address shown on the license, if different from the current address, on the reverse side of the #1 copy together with defendant's name. Thus, the defendant will receive notices at two addresses. For any name/address items listed on reverse side, check witness box to alert data entry clerks.)

F. Descriptive Information

Enter the height, weight, race, sex, and birth date of the defendant. Record the FULL date of birth (month-day-year). If the license indicates only a month and year for the birth, as some states do, inquire as to the day of birth. Without full date of birth no conviction information will be applied to driver record. Enter the defendant's telephone number including area code.

G. Race Codes

Use the following codes for race and enter:

- 1 - Black, African American
- 2 - White, Caucasian, Asiatic Indian, and Arab
- 3 - Asian, Native Hawaiian, Other Pacific Islander
- 4 - American Indian, Alaska Native
- 5 - Unknown/Other

H. Vehicle Information

1. Vehicle License No., State

Enter the vehicle registration number and state of issuance. If the vehicle displays no registration, enter "none." If the vehicle stopped was a bicycle or moped, enter "Bicycle" or "Moped".

2. Vehicle Year, Make, Model, Type, and Color of vehicle. The vehicle type should be listed as indicated ***below***:

01 MOTORCYCLE 16 FIRE VEH/NON-EMERGENCY
02 AUTOMOBILE 17 POLICE VEH/EMERGENCY
03 STATION WAGON 18 POLICE VEH/NON-EMERGENCY
04 LIMOUSINE 19 MOPED
05 LIGHT DUTY TRUCK 20 COMMERCIAL RIG
06 HEAVY DUTY TRUCK 21 TANDEM TRAILER
07 TRUCK/ROAD TRACTOR 22 MOBILE HOME
08 RECREATION VEHICLE 23 TRAVEL/HOME TRAILER
09 FARM VEHICLE 24 CAMPER
10 TRANSIT BUS 25 UTILITY TRAILER
11 CROSS COUNTRY BUS 26 BOAT TRAILER
12 SCHOOL BUS 27 FARM EQUIPMENT
13 AMBULANCE/EMERGENCY 28 OTHER
14 AMBULANCE/NON-EMERGENCY 29 UNKNOWN
15 FIRE VEH/EMERGENCY

I. Violation Date and Time

Enter numerically the month, day, and year of violation. Enter the time and mark block for A.M. or P.M. (Do not use military time).

J. Special Indicator Blocks

Check all special indicator blocks that are applicable ***and/or mandated by Federal Law. Federal Law requires a response of Yes or No for Hazmat, Commercial Vehicle and CDL License questions on all citations.***

1. P.I., P.D., Contributing to Accident, Safety Belts

If the defendant contributed to an accident, check Contributing to Acc., indicate personal injury and/or property damage accident. If required safety belts were in use check Safety Belts.

In the PI block, indicate the seriousness of the injury using one of the codes shown below:

1. No bodily injury
2. Possible bodily injury
3. Personal Injury
4. Serious bodily injury
5. Fatal

2. Hazardous Material (HAZMAT)

A Yes or No response is mandatory. If the vehicle is placarded or required to be placarded for hazardous materials, it is a commercial motor vehicle. Check Yes to Hazmat and check Yes to Comm. Vehicle.

3. Commercial Motor Vehicles

A Yes or No response is mandatory. Commercial Motor Vehicles Are: (check Yes)

- a. All vehicles with gross weight (GVW) of 26,001 or more pounds
- b. All vehicles with gross combination weight (GCW) of 26,001 or more pounds
- c. Bus designed to transport 16 or more people (including driver)
- d. Any vehicle towing trailer with GVW over 10,000 pounds
- e. Any vehicle required to have HAZMAT placard

Commercial Motor Vehicle Exceptions: (check No)

- a. Recreational vehicles (campers, travel trailers, boat trailers)
- b. Fire and rescue vehicle
- c. Vehicle owned and operated by a farmer within 150 miles of farm
- d. Department of Defense - with active duty military driver

4. Commercial Driver License (CDL)

Does driver have a commercial driver license?

A Yes or No response is mandatory.

5. Fatal Accident

If the defendant contributed to an accident which resulted in a fatal injury.

6. A/R Suspended / Revoked

If the license of the defendant was suspended or revoked for an alcohol offense.

K. Location of Offense

Record the precise location of the violation and make sure NOT to use the location of the stop, if different. Include the name of the county: (Do not use county code number.)

L. County Code, Area

Record the county code number

Record the POST number

M. Arrest Type

Record the appropriate code to reflect the precise type of enforcement. All codes are listed on the inner flap of the citation book and collateral book.

Record "Arrest Type" using the codes shown below:

- A - Marked Patrol Car
- B - Unmarked Patrol Car
- C - Marked Car, VASCAR
- D - Unmarked Car, VASCAR
- E - Marked Car, Stationary Radar
- F - Unmarked Car, Stationary Radar

G - Marked Car, Moving Radar (Stationary)
H - Unmarked Car, Moving Radar (Station)
I - Marked Car, Moving Radar (Moving)
J - Unmarked Car, Moving Radar (Moving)
K - Aircraft Assist
L - Motorcycle
M - Marked, Off Duty
N - Unmarked, Off Duty
O - Foot Patrol
P - Mounted Patrol
Q - Marked Car, Stationary Laser
R - Unmarked Car, Stationary Laser

When using Radar/Lidar for enforcement, enter the unit number next to the Arrest Type code.

N. DOT Number

Enter vehicle Department of Transportation number when issuing citation for violation of DOT regulations.

O. Pre-Printed Violations

If the violation charged to the defendant is of a section of the law printed on the citation, circle that charge. Do not write a narrative or description in the space available for writing a charge, as it will not be entered if a charge has been circled. The system will consider this to be a second charge and two charges cannot be entered for one citation. You may circle only one charge.

P. Write-In Violations

Use the Collateral Book, DC/CR 90, for proper charge Article, Section, wording and Fine Schedule. If the violation is NOT printed on the citation, determine if the charge is a violation of:

- a. Transportation Article (Motor Vehicle Law) *is noted by checking* the box "TA."
- b. Business Regulation Article is noted by checking the box "BR."
- c. A violation of a local ordinance or public local law is noted by checking the box "LO."
- d. Maryland Regulation *is noted* by checking the box "MR."

Maryland Regulation (MR) violations are generally not identified by a title and/or subtitle, but merely by a section and/or paragraph number. This reference is to be indicated in the area normally utilized to specify the subtitle/paragraph. You must also enter the written charge.

Example of a Maryland Regulation:

"397.11a Motor Vehicle containing hazardous materials being operated near an open fire."

Check box "MR" and write "397.11" under subtitle and "a" under paragraph.

MANY CHARGES IN THE SCHEDULE CONTAIN WORDS WITHIN PARENTHESES. EACH WORD OR SET OF WORDS THEREIN SEPARATED BY COMMAS IS AN OPTION. WHEN COPYING THE CHARGE ONTO THE CITATION, YOU MUST SELECT FROM THESE OPTIONS THE WORD(S) THAT REFLECT THE APPROPRIATE SPECIFICS ABOUT THE OFFENSE.

Examples:

"13-112 e (Sale, Purchase) of used vehicle not title certified and registered." Choose either "Sale" or "Purchase" to indicate the nature of the offense.

"13-411 g (Displaying, Permitting to be displayed) reg. plate(s) issued (for other vehicle, to other person)." There are two requirements for this choice - "displaying" or "permitting to be displayed" and "for other vehicle" or "to other person."

Q. Pre-Payable Fine

Check Schedule of Pre-Set Fines (DC/CR 90) established by the District Court of Maryland for the proper fine, which includes costs. Check the box next to the corresponding Fine amount. If the fine amount is not printed on the citation, check the box next to "Other" and write in the correct fine amount.

BE CERTAIN OF THE FINE AMOUNT. The court will notify the defendant of any overpayment or underpayment. If the violation is a "MUST APPEAR" (MA), do not enter a pre-payable fine amount.

R. Notice to Appear

If the charge requires the defendant's appearance in court check the block "You must appear for trial..." Only charges that provide for a possible term of incarceration are "Must Appear." If the charge is payable check the block "You have the right to stand trial..."

S. "Must Appear" Charge

When a defendant is charged with a violation, which includes the possibility of incarceration, and the defendant will not be taken before a District Court Commissioner, or an arrest could be made, and the defendant is not going to be taken to a District Court Commissioner, the green District Court of Maryland, form L07-4 will be provided to the defendant.

T. Officer's Signature

The charging officer must sign the citation in the first half of the "Officer's Signature" line. In the second half of the line, the officer will legibly print his/her last name.

U. Court/Agency/Officer Codes

Annapolis District Court:

DISTRICT 07
NO. 01

Baltimore District Court:

DISTRICT 24
NO.

AGENCY: DGSP

SUB-AGENCY:

Annapolis 0001
Baltimore 0002

ID NO: Individual Officer's ID Number

V. Radar/Breathalyzer Operators

If a Radar Operator is required to appear as a witness for the charge, use this section to summons the officer. Enter the officer's name and proper codes. If the officer is with a different agency, use the witness summons form.

DO NOT use this section to summons a Breath Test operator. Breath Test results are admissible without the presence of the Operator. The Operator is only required to attend court when summoned by the Defense.

W. Defendant's Signature

Request the defendant sign the citation and explain that the signature does not imply an admission of guilt, but only serves to acknowledge receipt of the citation and the defendant's promise to appear for trial or pay the fine.

Except as delineated below, the defendant is required to sign at the line marked "X." If the defendant refuses, you may charge defendant with refusing to sign. If or when a citation is completed charging the defendant with refusing to sign a citation when requested by a police officer, then the defendant may be placed under arrest in the same manner as, and without more force than in a misdemeanor case.

If the driver has been arrested for a violation of the Motor Vehicle Law (DUI, Suspended, etc.) and refuses to sign the citation(s), he/she cannot be charged for refusing to sign the citation when requested by a police officer. However, if the defendant refused to sign the citations, he/she cannot be released. The defendant must be presented to a District Court Commissioner.

A defendant's signature is not required when issuing a citation to a defendant who is:

1. Incapacitated or otherwise unable to comply
2. Citation is issued to unattended vehicle for violation under section 21-1003 (parking violation)
3. Citation is issued to unattended vehicle for violation of section 13-402 (parking unregistered motor vehicle)